

(Pub. L. 101-624, title XVI, §1680, Nov. 28, 1990, 104 Stat. 3781.)

#### § 5934. Research on honeybee diseases

##### (a) Sense of Congress

It is the sense of Congress that—

(1) diseases affecting the entire honeybee population impact on the ability of honeybees to carry out crop pollination and honey production, and therefore impact negatively on beekeepers, producers and consumers; and

(2) certain diseases (such as those caused by tracheal mite, varroa mite, and the Africanized honeybee) pose a threat to the continued well-being of the general honeybee population, and thus merit further study.

##### (b) Research

Notwithstanding any other provision of law, the Secretary of Agriculture shall give priority attention to the funding of research regarding the diseases referred to in subsection (a) of this section that are affecting the honeybee population.

(Pub. L. 101-624, title XVI, §1681, Nov. 28, 1990, 104 Stat. 3782; Pub. L. 102-237, title IV, § 407(17), Dec. 13, 1991, 105 Stat. 1865.)

#### AMENDMENTS

1991—Subsec. (a)(2). Pub. L. 102-237 substituted “tracheal mite” for “teacheal mite”.

### CHAPTER 89—PECAN PROMOTION AND RESEARCH

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#### § 6001. Findings and declaration of policy

##### (a) Findings

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

##### (b) Policy

It is declared to be the policy of Congress that it is in the public interest to authorize the es-

establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing (through adequate assessments on pecans produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, industry information, and consumer information designed to—

- (1) strengthen the pecan industry's position in the marketplace;
- (2) maintain and expand existing domestic and foreign markets and uses for pecans; and
- (3) develop new markets and uses for pecans.

**(c) Construction**

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce pecans.

(Pub. L. 101-624, title XIX, §1906, Nov. 28, 1990, 104 Stat. 3838.)

SHORT TITLE

Section 1901 of title XIX of Pub. L. 101-624, as amended by Pub. L. 102-237, title VIII, §801, Dec. 13, 1991, 105 Stat. 1882, provided that: "This title [enacting this chapter and chapters 90 to 93 of this title and sections 2109, 2278, and 4610a of this title, amending sections 1787, 2101, 2106 to 2108, 2110, 2116, 2611 to 2614, 2617 to 2619, 2622 to 2624, 4602, 4606, 4608, and 4612 of this title, and enacting provisions set out as notes under sections 2101, 2611, 2625, 4601, and 4603 of this title] may be cited as the 'Agricultural Promotion Programs Act of 1990'."

Section 1905 of Pub. L. 101-624 provided that: "This subtitle [subtitle A (§§1905-1918) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Pecan Promotion and Research Act of 1990'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6003, 6005 of this title.

**§ 6002. Definitions**

As used in this chapter—

**(1) Board**

The term "Board" means the Pecan Marketing Board established in section 6005(b) of this title.

**(2) Commerce**

The term "commerce" means interstate, foreign, or intrastate commerce.

**(3) Conflict of interest**

The term "conflict of interest" means a situation in which a member has a direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture, or other business entity dealing directly or indirectly with the Board.

**(4) Consumer information**

The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of pecans.

**(5) Department**

The term "Department" means the Department of Agriculture.

**(6) District**

The term "district" means a geographical area of the United States, as determined by

the Board and approved by the Secretary, in which there is produced approximately one-fourth of the volume of pecans produced in the United States.

**(7) First handler**

The term "first handler" means the first person who buys or takes possession of pecans from a grower for marketing. If a grower markets pecans directly to consumers, such grower shall be considered the first handler with respect to pecans grown by such grower.

**(8) Grower**

The term "grower" means any person engaged in the production and sale of pecans in the United States who owns, or who shares the ownership and risk of loss of, such pecans.

**(9) Grower-sheller**

The term "grower-sheller" means a person who—

- (A) shells pecans, or has pecans shelled for such person, in the United States; and
- (B) during the immediately previous year, grew 50 percent or more of the pecans such person shelled or had shelled for such person.

**(10) Handle**

The term "handle" means receipt of in-shell pecans by a sheller or first handler, including pecans produced by such sheller or first handler.

**(11) Importer**

The term "importer" means any person who imports pecans from outside of the United States for sale in the United States.

**(12) Industry information**

The term "industry information" means information and programs that will lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the pecan industry.

**(13) In-shell pecan**

The term "in-shell pecan" means a pecan that has a shell that has not been removed.

**(14) To market**

The term "to market" means to sell or offer to dispose of pecans in any channel of commerce.

**(15) Member**

The term "member" means a member of the Board.

**(16) Pecan**

The term "pecan" means the nut of the pecan tree *carya illinoensis*.

**(17) Person**

The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

**(18) Plan**

The term "plan" means a plan issued under section 6003 of this title.

**(19) Promotion**

The term "promotion" means any action taken by the Board, pursuant to this chapter,